

**Remark**

Applicants respectfully request reconsideration of this application as amended. Claims 1, 6, 11, 16, 37, 41 and 43 have been amended. No claims have been canceled. Therefore, claims 1-20 and 33-45 are now presented for examination. The Claims have been modified, *inter alia*, to remove any unnecessary limitation to different sources and channel transport media. Claims 21-33 are renumbered as 33-45.

**35 U.S.C. §103 Rejection,*****Rzeszewski et al. in view of Klosterman and Herz.***

The Examiner has rejected claims 1-20 under 35 U.S.C. 103 (a) as being unpatentable over Rzeszewski, U.S. Patent No. 5,699,125 ("Rzeszewski") in view of Klosterman, U.S. Patent No. 5,550,576 ("Klosterman") and Herz, U.S. Patent No. 6,088,722 ("Herz"). Claim 1, for example, recites "searching a set of user-definable preference lists... to identify preference lists for the identified user" and "receiving a selection of a presented identified preference list from the user."

Herz is relied upon for teachings regarding a user ID. In Herz, a modification using user ID's is suggested (27:18). The user ID's are linked to a customer profile. However, user ID's are strongly discouraged. The system is supposed to "recognize a particular profile as belonging to a particular viewer or combination of viewers so that it would eventually be unnecessary for the customers to input their user IDs." (27:30) In fact, Herz prefers to ignore the identity of the viewer (27:17) and instead builds "virtual channels" based on viewing patterns during particular time periods. (27:14). This section

of the description neither teaches nor suggests the several steps of Claim 1, including searching to identify a set of user-definable preference lists for the identified user, presenting the lists to the user, and receiving a selection of a list from the user. In Herz, each user has just one customer profile which is automatically called up in response to the user ID. The process would appear to be transparent to the user and not involve, presenting identified lists and receiving a selection from the user as recited in Claim 1.

In an unrelated portion of Herz, not cited by the Examiner, Herz allows a customer to select a "virtual channel", to modify customer profiles and to specify a particular customer profile to use at a given time. (47:9 et seq.) However, in this section, there is still no search to identify preference lists for an identified user, nor is there any selection of presented lists. The customer in Herz can select a different profile than the default, but there is no suggestion, that the profiles correspond to any particular customer. On the contrary, the section referred to above (27:17), suggests that profiles are generated based on time and day, and not based on who the viewer is.

At most, in this section of Herz, the customer selects a desired "virtual channel" from a listing of programs available on the virtual channels. The virtual channel list is based on the inferred customer profile. A "virtual channel" appears to be nothing more than a sequential list of programs that are selected based on a customer profile (3:9). To have a list with a plurality of channels would require a plurality of "virtual channels" as well.

For the reasons above, Applicants respectfully submit that the cited combination of references fails to teach or suggest the limitations of Claim 1 discussed above. Claims

6, 11, and 16 contain similar recitations and are believed to be allowable therefor, together with the claims that depend from any one of Claims 1, 6, 11, and 16.

**35 U.S.C. §103 Rejection,**

*Rzeszewski et al. in view of Klosterman, Herz and Ellis*

The Examiner has rejected claims 33-45 under 35 U.S.C. 103 (a) as being unpatentable over Rzeszewski in view of Klosterman and Herz, and further in view of Ellis, U.S. Patent No. 5,986,650 ("Ellis"). In Ellis, an automatic scan is stopped when all available channels have been scanned. (11:5) There is no suggestion that the scan be stopped under any other circumstances, such as the "BROWSE" mode or manual scanning.

Claim 37, as amended, recites, "providing an indication to the user when the user has completed a cycle of the preferences list" together with "continuously cycling through the preferences list." There is no suggestion in Ellis of continuously cycling through a preferences list together with providing an indication that a cycle has been completed. On the contrary Ellis requires that the cycling be stopped. In addition, Claim 37 can be applied to cycling through the preferences list automatically (Claim 38) or manually (Claim 40). Ellis can only provide a stop of the scan when the scan is automatic. Finally, Ellis does not teach providing an indication for a preferences list that includes multiple sources.

For the reasons above, Applicants respectfully submit that the cited combination of references fails to teach or suggest the limitation of Claim 37 discussed above. Claim

41 contains similar recitations and is believed to be allowable therefor, together with claims 33-36 and the claims that depend from any one of Claims 37 and 41.

### Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

### Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Respectfully submitted,

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**Version with Markings to Show Changes Made**  
**Insertions are underlined, deletions are stricken.**

1. (Amended) A computerized method comprising:

receiving a user identification;

searching a set of user-definable preference lists that each identify a plurality of channels [from a plurality of different sources, each source providing at least one channel using a different transport medium from another source], to identify preference lists for the identified user;

presenting the identified preference lists to the user;

receiving a selection of a presented identified preference list from the user;

accessing the selected preferences list; and

selecting one of the plurality of identified channels [from one of the plurality of different sources] for provision to the user.

6. (Amended) An article comprising:

a storage medium; and

the storage medium having stored thereon a plurality of instructions that, when executed by a processor, result in:

receiving a user identification;

searching a set of user-definable preference lists that each identify a plurality of channels [from a plurality of different sources, each source providing at least one channel using a different transport medium from another source], to identify preference lists for the identified user;

presenting the identified preference lists to the user;

receiving a selection of a presented identified preference list from the user;

accessing the selected preferences list; and  
selecting one of the plurality of identified channels [from one of the plurality of  
different sources] for provision to the user.

11. (Amended) An apparatus comprising:

a storage device to store a set of user-definable preferences list that identify a plurality of channels [from a plurality of different sources, each source providing at least one channel using a different transport medium from another source];

a user interface controller to receive a user identification;  
a channel selector, coupled to the storage device and the user interface, to search the set of user-definable preference lists to identify preference lists for the identified user and select one of the identified preference lists using input received from the user interface controller; and

a channel selection controller, coupled to the storage device, to access the selected user-definable preferences list and select one of the plurality of identified channels for provision to the user.

16. (Amended) An apparatus comprising:

means for storing a user-definable preferences list that identifies a plurality of channels [from a plurality of different sources, each source providing at least one channel using a different transport medium from another source];

means for receiving a user identification;  
means, coupled to the storage device and the user interface, for searching the set of user-definable preference lists to identify preference lists for the identified user and for

selecting one of the identified preference lists using input received from the user interface controller; and

means, coupled to the storage device, for accessing the selected user-definable preferences list and selecting one of the plurality of identified channels for provision to the user.

37. (Amended) A method comprising:

accessing a user-definable preferences list that identifies a plurality of channels from a plurality of different sources, each source providing at least one channel using a different transport medium from another source;

selecting one of the plurality of identified channels from one of the plurality of different sources for provision to a user;

continuously cycling through the preferences list by selecting additional ones of the plurality of identified channels for provision to the user; and

providing an indication to the user when the user has completed a cycle of the preferences list.

41. (Amended) An apparatus comprising:

a preferences database to store a set of user-definable preferences lists, each associated with a user, the lists identifying a plurality of channels from a plurality of different sources, each source providing at least one channel using a different transport medium from another source

a channel selector to access one of the user-definable preferences lists, to select one of the plurality of identified channels from one of the plurality of different sources for provision to the user, and to continuously cycle through the preferences list by

selecting [select] additional ones of the plurality of identified channels for provision to the user; and

a user interface controller to provide an indication to the user when the user has completed a cycle of the preferences list.

43. (Amended) The apparatus of claim 41, [wherein] further comprising a component controller to provide, to the user, one or more of audio and video from a source corresponding to the selected one of the plurality of identified channels.